

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

SWISSDIGITAL USA CO., LTD.,

Plaintiff,

v.

SAMSONITE INTERNATIONAL S.A.;
SAMSONITE LLC; SAMSONITE
COMPANY STORES, LLC; and DIRECT
MARKETING VENTURES, LLC,

Defendants.

Civil No. 1:24-cv-11636

JURY TRIAL DEMANDED

DEFENDANTS' UNOPPOSED MOTION FOR A STATUS CONFERENCE

Defendants Samsonite International S.A., Samsonite LLC, Samsonite Company Stores, LLC, and Direct Marketing Ventures, LLC (collectively, “Defendants”) respectfully request a status conference at the Court’s convenience to assist in the efficient management and resolution of this case, and to avoid undue inconvenience and expense pursuant to Local Rule 16.6(c), the Court's Scheduling Order (Dkt. 25 at 5), and the Court’s instructions at the October 2, 2024 initial status and scheduling conference (Oct. 2, 2024 Hearing Tr. at 9:6-24).

The Court previously ordered an initial round of targeted discovery in this case to promote settlement and gave the parties leave to request a status conference upon completion of that discovery. *Id.* at 9:6-24; 11:1-9 (“if you’d like a status conference after that happens, I’m happy to ... schedule one ... if that’s of interest”). The parties have completed this round of discovery, including targeted interrogatories and requests for production on financials to promote settlement. However, as part of completing this early round of discovery, the parties have identified a disagreement regarding the interpretation of the Court’s instructions at the October 2, 2024 hearing. Specifically, the parties disagree whether *only* Swissdigital was granted leave to serve

additional interrogatories and requests for production on top of normal discovery limits, or whether *both* Swissdigital and Defendants were granted leave for this additional discovery. Defendants thus request clarification.

Defendants also believe that it would further assist in efficient management and potential early resolution of this case to resolve certain legal issues that are not dependent on facts to be gathered later in discovery. Resolution of these issues, as well as issues that are currently the subject of claim construction briefing, is likely to streamline this litigation and conserve the parties' and the Court's resources.

Accordingly, Defendants respectfully request a status conference to address:

- A briefing schedule and hearing date for an early dispositive motion to resolve the proper priority date¹ to be accorded three of the four Asserted Patents in this case, U.S. Patent Nos. 10,931,137; 10,931,138; and 11,601,009;²
- Clarification regarding the Court's grant of an initial round of discovery in addition to the standard discovery limitations under Local Rule 26.1(c).

Pursuant to Local Rule 7.1(a)(2), Defendants certify that they met and conferred with Swissdigital in good faith regarding this request. Swissdigital does not oppose Defendants' request for a status conference.

¹ Publications and products that predate a patent's "priority date" are considered to be prior art, relevant to the validity of the asserted claims. In this case, Swissdigital asserts all of its patents are entitled to the same priority date, namely the date of filing of a Chinese counterpart of its earliest asserted patent. Defendants dispute this assertion and intend to show that Swissdigital's three later-filed patents are not entitled to the same priority date as its earliest filed patent.

² Defendants respectfully submit that holding the hearing on their early partial summary judgment motion on July 11, 2025, on the same date as the currently scheduled claim construction hearing, will result in maximum efficiency and conservation of resources for the Court and the parties.

Dated: March 7, 2025

Respectfully submitted,

By: /s/ Adam J. Kessel

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